

9 FAM 41.111 Authority to issue visa.

(TL:VISA-168; 08-08-1997)

(a) Issuance outside the United States.

(TL:VISA-2; 8-30-87)

Any consular officer is authorized to issue regular and official visas.

Diplomatic visas may be issued only by:

(1) A consular officer attached to a U.S. diplomatic mission, if authorized to do so by the Chief of Mission; or

(2) A consular officer assigned to a consular office under the jurisdiction of a diplomatic mission, if so authorized by the Department or the Chief, Deputy Chief, or Counselor for Consular Affairs of that mission, or, if assigned to a consular post not under the jurisdiction of a diplomatic mission, by the principal officer of that post.

(b) Issuance in the United States in Certain Cases

(TL:VISA-2; 8-30-87)

The Director of the Visa Office of the Department and such other officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

(1) Qualified aliens who are currently maintaining status and are properly classifiable in the A, C-2, C-3, G or NATO category and intend to reenter the United States in that status after a temporary absence abroad and who also present evidence that:

(i) They have been lawfully admitted in that status or have, after admission, had their classification changed to that status; and

(ii) Their period of authorized stay in the United States in that status has not expired; and

(2) Other qualified aliens who are currently maintaining status in an E, H, I, or L nonimmigrant category and intend to reenter the United States in that status after a temporary absence abroad and who also present evidence that:

(i) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

- (ii) Their period of authorized admission in that status has not expired.
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9 FAM 41.111 Related Statutory Provisions

INA 104 POWERS AND DUTIES OF THE SECRETARY OF STATE

SEC. 104, in part

(TL:VISA-168; 08-08-1997)

(a) The Secretary of State shall be charged with the administration and the enforcement of the provisions of this Act and all other immigration and nationality laws relating to (1) the powers, duties and functions of diplomatic and consular officers of the United States, except those powers, duties and functions conferred upon the consular officers relating to granting or refusal of visas;

INA 221(a), in part

(TL:VISA-2; 8-30-87)

(a) Under the conditions hereinafter prescribed and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue...(2) to a nonimmigrant who has made proper application therefor, a nonimmigrant visa, which shall specify the classification under section 101(a)(15) of the nonimmigrant, the period during which the nonimmigrant visa shall be valid, and such additional information as may be required.